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EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

NOTIFICATION

INSURANCE

New Delhi, the 28th May 1969

G.S.R. 1275.—In exercise of the powers conferred by section 114 of the Insurance Act, 1938 (4 of 1938), the Central Government hereby makes the following rules further to amend the Insurance Rules, 1939, the same having been previously published as required by sub-section (1) of the said section, namely :—

1. (1)These Rules may be called the Insurance (Amendment) Rules, 1969.

(2) They shall come into force on the 1st day of June, 1969.

2. In the Insurance Rules, 1939 (hereinafter referred to as the said rules), rule 10B shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

"(2) (i) For the purposes of sub-section (2) of section 27B of the Act, the following assets shall be deemed to be assets invested or kept invested in approved investments specified in sub-section (1) of that section, namely:—

(a) interest, dividend and rents (outstanding and accrued);

(b) cash in hand and with banks (other than banks in liquidation) in current and collection accounts;

(c) bills receivable;

(d) amounts due from other insurers in respect of reinsurance recoveries and deposits or reserves with other insurers in respect of treaties for reinsurances to be accepted".

(ii) In respect of insurers specified in clause (c) of sub-section (16) of section 27B of the Act, three fourths of the value of the following assets shall also be deemed to be approved investments specified in sub-section (1) of section 27B of the Act, namely:—

(a) Motor Cars.

(b) Stamps on hand.

(c) Amount of income tax directed by the Income Tax authorities to be refunded".

3. In rule 10C of the said rules, after sub-rule (2), the following sub-rules shall be inserted, namely:—

"(3) The return to be furnished under sub-section (1) of section 28B of the Act, shall show all the investments made out of the assets and subsisting as at the 31st day of December of the preceding year and shall be in Form IV-AA.

(4) The return to be furnished under sub-section (2) of Section 28B of the Act, shall be in Form IV-BB.".

4. Rule 10D of the said rules shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:—

"(2) For the purpose of sub-section (11) of section 27B the charge created in favour of one or more banking companies in respect of assets offered as security for any loan taken for purposes of any investment or for payment of claims shall be subject to the condition that any loan taken against such assets shall be repaid within a period of three months".

5. In rule 16 of the said Rules,

(i) for the word and figure "Rs. 5", the word and figures "Rs. 15" shall be substituted, and

(ii) for the word and figure "Rs. 2", the word and figure "Rs. 7" shall be substituted.

6. In rule 16A of the said rules,—

(i) in clause (b) for the words and figures "Rs. 5 or Rs. 7" the words and figures "Rs. 15 or Rs. 22" shall be substituted.

(ii) in the first proviso, for the word and figure "Rs. 30", the word and figure "Rs. 75" shall be substituted.

7. In rule 16E of the said rules, after the words "A person to whom a licence or a certificate has been issued", the words, figures and letter "under section 42 or section 42A of the Act" shall be inserted.

8. In rule 17 of the said rules, for the word 'life' the words "any class of" shall be substituted.

9. After rule 17-A of the said rules the following rule shall be inserted, namely:—

"17-AA. *Form for declaration.*—The declaration to be made in pursuance of sub-section (5) of section 6A of the Act to a public company limited by shares having its registered office in India and carrying on general insurance business by a person who has any interest in any of its shares standing in the name of another person shall be in Form-V-GG."

10. In rule 17E of the said rules,—

(i) in clause (i) of sub-rule (1), for the words and figures "not exceeding 15 per cent", the words and figures "not exceeding in respect of fire insurance business 5 per cent and in respect of miscellaneous insurance business 10 per cent" shall be substituted;

(ii) in clause (i) of sub-rule (2), for the words "not exceeding in amount ten per cent", the words "not exceeding in amount five per cent" shall be substituted.

11. Rule 17F of the said rules shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:—

"(2) The share of the Head Office expenses in the case of an insurer having his principal place of business in India for the purposes of sub-clause (i) of clause (b) of the *Explanation* to section 40C of the Act, shall not exceed 5 per cent of the gross premium income written direct outside India during the year.".

12. After rule 17F of the said rules, the following rules shall be inserted, namely:—

"17FA. *Principal Office expenses.*—For the purposes of sub-clause (ii) of clause (b) of the *Explanation* to section 40C of the Act, the share of the expenses in the case of an insurer having his principal place of business outside India in respect of general insurance business transacted by him outside India through his office in India shall not exceed 5 per cent of the gross premium income written direct outside India through his office in India during the year.".

13. Rules 17I, 17J and 17K of the said rules shall be omitted.

14. In rule 24 of the said rules, for sub-rule (2) the following sub-rule shall be substituted, namely:—

"(2) The fee for renewal of registration under section 3A of the Act for each class of insurance business for which the insurer is registered shall be—

(a) in the case of an insurer not carrying on solely reinsurance business, one-fourth of one per cent of the total gross premium written direct in India in that class of insurance business during the year preceding the year in which the application for renewal of registration is required to be made by the insurer, (the amount of fee so arrived at, if not an integral number of rupees, being rounded off to the next lower integral rupee), or five hundred rupees whichever is greater;

(b) in the case of an insurer carrying on solely reinsurance business, one-fourth of one per cent of the total premiums in respect of facultative reinsurances accepted by the insurer in that class of insurance business during the year preceding the year in which the application for renewal of registration is required to be made (the amount of fees so arrived at, if not an integral number of rupees, being rounded off to the next lower integral rupee), or five hundred rupees whichever is greater.".

15. After rule 38 of the said rules, the following rules shall be inserted, namely:—

"39. *Minimum information to be maintained and the checks and other verifications to be adopted.*—(1) Every insurer shall maintain at the principal place of business of the insurer in India the items of information specified in sub-rules (2) and (3):

Provided that where it is not convenient or practicable to maintain any item of information in full detail at such principal office it may be maintained at the branches or other offices in such way however that each such branch or office maintains the relevant part of the information applicable to its working:

Provided further that an insurer carrying on solely reinsurance business shall be deemed to have complied with the provisions of sub-rules (2) and (3) if the

information required to be maintained under those sub-rules is readily available from the records of such insurer.

(2) The following items of information shall be maintained in respect of each class or sub-class or insurance business, namely:—

(i) a record of cover-notes issued specifying the identification number, name of party, dates of commencement and where applicable expiry of risk, type of cover granted or cross-reference to the relevant policy and the amount of premium or other money received:

Provided that if duplicate copies of cover notes are maintained in serial order, the requirement of this provision shall be deemed to have been complied with;

(ii) a record of policies, which should be serially numbered, listing all policies issued entered in chronological order, stating the number of policy, dates of commencement and expiry of risk, name of the insured, premium received, cross reference to the relevant Bank Guarantee or deposit and the nature of risk granted, cross reference to any cover-note issued prior to the issue of the policy and cross-reference to any endorsement passed subsequent to the issue of the policy; provided that a serially filed collection of duplicate copies of policies issued shall be deemed sufficient compliance with this requirement, if they are serially numbered and all the relevant information specified in this clause are entered therein;

(iii) a record of premiums showing, according to chronological order of receipt of premiums received, date of receipt, the amount, and name of party from whom received and with cross-reference to policy number or to other document showing the occasion for the payment of such premium:

Provided that if this information is readily available otherwise from the records, a separate record under this head need not be maintained;

(iv) a record of endorsements mentioning the policy number to which attached, dates of commencement and expiry of the endorsement, the type of endorsement and the additional premium charged or refund premium due and cross reference to the premium register; provided that serially filed duplicate copies of endorsements shall be deemed to comply with this requirement if they are serially numbered and each copy contains information about the policy number of the policy to which it is attached;

(v) a record of bank guarantees and deposits giving particulars of the party, amount and conditions of guarantee or deposit and cross-reference to the relevant policy or policies;

Provided that if this information is readily available otherwise from the records, a separate record under this head need not be maintained;

(vi) a record of claims intimated mentioning name of claimant, giving reference to policy number, date of intimation of claim, interest covered, nature and cause of the loss or damage, provisional estimate of loss, amount at which settled, date of settlement of claim, recoveries from salvage or otherwise and whether surveyed:

Provided that two separate records, one relating to claims intimated and the other relating to claims paid, may be maintained if there is adequate cross-referencing of information between them and if the information required under this clause is readily available from them taken together.

(3) The following items of information shall be maintained for the business of the insurer as a whole, namely:—

(i) a register of agents, giving in respect of each agent, name, address and particulars of agents' licence held, date of appointment and date of termination of appointment if any:

Provided that a collection of cards or folios shall be deemed sufficient compliance with this requirement if they are filed in a systematic order and contain all the information required under this clause;

(ii) a record of agents giving particulars of business procured by each agent, the amount of premium received on such business and the amount of commission paid thereon;

(iii) duplicate copies of appointment letters issued to the agents, field workers and members of the staff and changes therein;

(iv) a record of employees, excluding salaried field workers, showing name, date of appointment, present designation, present salary and cross-reference to appointment letter and date of termination, if any;

(v) a record of field workers showing name, date of appointment, present designation, and present salary, showing the business expected from and written by them with cross reference to appointment letters and date of termination, if any;

(vi) cash book and disbursement book;

(vii) a record of investments giving separately for immovable property, securities and scrips, loans on mortgages and other loans, particulars of all the investments held and showing the changes occurring therein from time to time;

(viii) a record of other assets, such as deposits, amounts due, sundry debtors, furniture and fixtures, stationery, and cash in hand and with banks:

Provided that in respect of cash in hand and with banks the requirements of this clause shall be deemed to be complied with if the information about the amount of such cash is readily available from the Cash Book or other records.

(4) Every insurer shall obtain and maintain a legally valid receipt for every payment made and shall maintain the receipts filed in a systematic manner either chronologically or in some other convenient order.

(5) Every insurer shall, in respect of any payment made to an employee or other person on account of travelling expenses, maintain a record showing full details of the journey performed, purpose of the journey, details of the fares paid and allowances granted.

(6) Every office of an insurer shall maintain an attendance register of clerical and subordinate staff indicating employees who attend the office each day.

(7) Every office of an insurer issuing any documents used for evidencing of the assumption of risk shall ensure that such documents are serially numbered, shall maintain a record of the serial numbers of the forms of documents issued to each person, and shall maintain a proper check to verify that all the forms of documents issued are properly accounted for.

(8) Every insurer shall retain all the documents relating to claims settled, including copies of any survey or loss assessment reports connected therewith:—

(i) in respect of every loss or damage on which a claim of less than Rs. 5,000 has been made, for a period of three years;

(ii) in respect of every loss or damage on which a claim of Rs. 5,000 or more but less than Rs. 20,000 has been made, for a period of five years;

(iii) in respect of every loss or damage on which a claim of Rs. 20,000 or more but less than rupees one lakh has been made, for a period of seven years; and

(iv) in respect of every loss or damage on which a claim of rupees one lakh or more has been made, for a period of twelve years;

such period being counted from the date on which the claim is settled;

(9) Every insurer shall maintain a record setting out the names of each insurance company with which he has entered into any permanent facultative re-insurance arrangement, and such record shall show the terms on which the reinsurance arrangements have been entered into and the commissions paid or received under each transaction.

(10) Every insurer shall maintain a record setting out particulars of each and every facultative reinsurance ceded or accepted and such record shall show the name of each insurer with whom the transaction has been entered into.

(11) Every insurer shall maintain a record setting out the names of each insurer with which he has entered into reinsurance treaties from any of his office

in India, and such record shall include all the details of the terms of the treaties.

(12) (a) Every insurer shall maintain the following accounts in this ledgers, namely :—

(i) Reinsurance Accepted Account;

(ii) Reinsurance commission paid Account;

(iii) Reinsurance Claims Payable Account;

(iv) Reinsurance Claims Paid Account;

(v) Reinsurance Ceded Account;

(vi) Reinsurance Commission received Account;

(vii) Reinsurance Claims Recoverable Account;

(viii) Reinsurance Claims Recovered Account;

(b) An insurer shall be deemed to have complied with the provisions of clause (a), if the information required is otherwise readily available from the existing books and accounts of the insurer.

40. *Search and Seizure.*—(1) The powers of search and seizure under section 34H of the Act shall be exercised in accordance with sub-rules (2) to (14).

(2) The Controller may, after recording his reasons for doing so authorise any officer subordinate to him not lower in rank than an Assistant Controller of Insurance, (hereafter in this rule referred to as the authorised officer) for the purposes of section 34H of the Act; provided that such authorisation shall—

(i) be in writing under his signature;

(ii) bear his seal, and

(iii) authorise the authorized officer to enter and search any building or place specified therein, and to exercise the powers and perform the functions under sub-section (1) of section 34H of the Act with such assistance of police officers or of the officers of the Central Government, or both, as may be required.

(3) Whenever any building or place authorised to be searched is closed, any person residing in or being in charge of such building or place shall on demand by the authorized officer and on production of the authority allow him free ingress thereto and afford all reasonable facilities for a search therein.

(4) If ingress into such building or place cannot be so obtained it shall be lawful for the authorized officer executing the authority, with such assistance of police officers or of officers of the Central Government or of both as may be required, to enter such building or place and search therein and in order to effect an entrance into such building or place, to break open any outer or inner door or window of any building or place, whether that of the person to be searched or of any other person, if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Provided that, if any such building or place is an apartment in actual occupancy of a woman, who according to custom does not appear in public the authorized officer, shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing and may then break open the apartment and enter it.

(5) The authorized officer may require any person who is the owner, or has the immediate possession, or control, of any box, locker, safe, almirah or any other receptacle situate in such building or place, to open the same and allow access to inspect or examine its contents, and where the keys thereof are not available or where such person fails to comply with any such requirement, may cause any action to be taken including the breaking open of such box, locker, safe, almirah or other receptacle which the authorized officer may deem necessary for carrying out all or any of the purposes specified in the authority issued under sub-rule (2)

(6) The authorized officer may, where it is not practicable to seize any book, account or document, serve an order on the owner or the person who is in immediate possession or control thereof that he shall not remove, part with or otherwise deal with it except with the previous permission of the

authorized officer who may take such steps as may be necessary for ensuring compliance with this sub-rule.

(7) Where any person in or about such building or place is reasonably suspected of concealing about his person any book, account or document for which search is being made, such person may also be searched by the authorized officer with such assistance as he may consider necessary. If such person is a woman, the search shall be made by another woman with a strict regard to decency.

(8) Before making a search, the authorized officer about to make it shall call upon two or more respectable inhabitants of the locality in which the building or place to be searched is situate to attend and witness the search and may issue an order in writing to them or any of them so to do.

(9) The search shall be made in the presence of the witnesses aforesaid and a list of all books, accounts and documents seized in the course of such search and of the places in which they were respectively found shall be prepared by the authorized officer and signed by such witnesses; but no person witnessing a search shall be required to attend as a witness of the search in any proceedings under the Act unless specially summoned.

(10) The occupant of the building or place searched or some person in his behalf shall be permitted to attend during the search and a copy of the list prepared under sub-rule *(9)* shall be delivered to such occupant or person. A copy shall also be forwarded to the Controller.

(11) When any person is searched under sub-rule (7) a list of all books, accounts and documents taken possession of shall be prepared and a copy thereof shall be delivered to such person. A copy shall also be forwarded to the Controller.

(12) The authorized officer may convey the books, accounts and other documents, if any, seized by him in the course of the search made by him to the office of the Controller or to the office of the authorized officer or to any other office under the jurisdiction of the Controller.

(13) The Controller or the officer in charge of the office mentioned in sub-rule (12), as the case may be, shall take such steps as he may consider necessary for the safe custody of books, accounts and other documents conveyed to him.

(14) The authorisation of the Controller referred to in sub-rule (2) shall be in Form No. XVII.

TARIFF ADVISORY COMMITTEE

41. *Constitution*:—(1) The representatives of insurers on the Tariff Advisory Committee thereinafter in this rule and in rules 42 to 54 referred to as the Committee) shall be elected as follows, namely:—

(a) one member to be elected by insurers registered under the Act in the public sector that is to say the Life Insurance Corporation of India and the insurers whose majority shares are held by the Life Insurance Corporation of India or by the Central Government;

(b) four members to be elected by Indian insurers registered under the Act other than those specified under clause (a) having their principal offices in the Bombay area;

(c) two members to be elected by Indian insurers registered under the Act other than those specified under clause (a) having their principal offices in the Calcutta area;

(d) one member to be elected by Indian insurers registered under the Act other than those specified under clause (a) having their principal offices in the Delhi area;

(e) two members to be elected by Indian insurers registered under the Act other than those specified under clause (a) having their principal offices in the Madras area;

(f) three members to be elected by insurers incorporated or domiciled elsewhere than in India but registered in India, and having their principal place of business in India in the Calcutta area;

(g) one member to be elected by insurers incorporated or domiciled elsewhere than in India but registered in India, and having their principal place of business in India outside the Calcutta area;

(2) For the purpose of this rule if any dispute arises as to which area an insurer belongs to, the Controller shall decide the question and his decision shall be final.

42. *Term of Office*:—(1) The Vice-Chairman and the Secretary of the Committee shall hold office during the pleasure of the Controller.

(2) The term of office of every elected member of the Committee shall be three years from the first day of October of the year of election.

Provided that the Central Government may, at its discretion, extend the term of office of all the elected members by a period not exceeding three months and in that case the term of office of the newly elected members shall commence from the expiry of such extended period but shall expire on the expiry of a priod of three years from the 30th September of the year of election, unless extended under the provisions of this proviso.

43. *Election of Members*:—(1) Election of members shall be held in every fourth calendar year, the first election after the commencement of the Insurance (Amendment) Act, 1968 (62 of 1968) being held before 30th September, 1969.

(2) Every election shall be conducted by the Secretary to the Committee under the directions of the Controller in accordance with the procedure specified in Schedule II.

44. *Resignation and Filling of Casual Vacancies*.—(1) Any member of the Committee may resign his membership of the Committee by notice in writing addressed to the Chairman to that effect and such resignation shall take effect from the date on which it is accepted by the Chairman or on the expiry of thirty days from the date of resignation, whichever is earlier.

(2) Casual vacancies in the office of the elected members of the Committee whether caused by resignation, death or otherwise, shall if it occurs within a period of two years from the last date of election of the Committee, be filled by a bye-election conducted in the same manner as a normal election and in any other case by cooption by the committee of a person to represent the same interest as the person in whose place he is being co-opted represented, and any person, so elected or co-opted to fill the vacancy shall hold office until the expiry of the term of office of the member in whose place he is nominated.

45. Any elected or co-opted member of the Committee failing to attend three consecutive meetings of the Committee without leave of absence shall *ipso-facto* cease to be a member of the said Committee.

46. *Removal of a Member*.—(1) The Central Government may remove any elected member of the Committee, who, in the opinion of that Government, has so flagrantly abused in any manner his position as a member as to render his continuance as a member detrimental to the interests of the insurance industry.

(2) No member shall be removed under sub-rule (1) unless he has been given a reasonable opportunity of showing cause against his removal.

47. *Procedure for the conduct of Business of the Committee*.—Procedure for the conduct of business of the Committee shall be as follows, namely:—

(1) *Meetings of the Committee*.—Meetings of the Committee may be held at such places and at such times as may be decided by the Chairman of the Committee.

(2) *Notice of the Meeting*.—Notice of any meeting of the Committee shall be sent by the Secretary of the Committee to every member at least seven days before the date of the meeting. The notice shall state briefly the business to be transacted at the meeting.

(3) *Quorum for the meeting*.—Five elected or co-opted members shall constitute the quorum for a meeting.

(4) *Adjournment of a meeting*.—If the requisite quorum is not available within half an hour of the appointed time for a meeting, the Chairman or in his absence the Vice-chairman or in the absence of both the Chairman and the Vice-chairman any person elected to preside under sub-rule (5) may adjourn the meeting to such date and time as he may decide and at such adjourned meeting no quorum shall be required.

(5) *Chairman to preside at meeting.*—The Chairman or in his absence the Vice-Chairman shall preside at all meetings of the committee. If both the Chairman and the Vice-Chairman are unable to attend, the Committee may elect one of its members to preside at the meeting but no matter involving any financial implication shall be discussed at such a meeting.

(6) *Decision at a meeting.*—All matters required to be decided by the Committee shall be decided by the majority of the votes of the members present, the President at the meeting having a casting vote. The voting shall be by show of hands.

(7) *Decision by circulation.*—Any matter for consideration of the Committee may at the discretion of the Chairman be decided by circulation among the members as an alternative to convening a meeting for the purpose:

Provided that the decision arrived at shall not be valid unless at least five elected or co-opted members express an opinion on that matter.

(8) *Minutes.*—The minutes of the proceedings of every meeting shall be recorded and signed by the person who presided at the relevant meeting and shall be circulated to all the members of the Committee.

48. *Travelling and Daily Allowance.*—(1) Every non-official member shall be entitled for attending meetings of the Committee to travelling and other allowances as under:—

(i) travelling allowance for journeys from the usual place of residence or the place of commencement of the journey to the place of the meeting and the return journey to the place of commencement of the journey or the usual place of residence, whichever is shorter in each case, at the maximum rate for the time being admissible to a Central Government servant of the first grade. Subject to the foregoing, the members shall be entitled to travel either by air-conditioned class or by air;

(ii) daily allowance at the maximum rate for the time being admissible to Central Government servants of the first grade at the place of the meeting for the days on which the meeting is held and in respect of one day previous to the commencement of the meeting and one day after the meeting if the member actually arrives on or before and leaves on or after the respective days.

(2) The travelling and daily allowances of an official member shall be governed by the rules applicable to him for journeys performed on official duty.

49. *Fees of Members.*—A member, not being an officer of the Central Government, shall be paid fees by the Committee for attending meetings of the Committee of Rs. 50/- for each day of the meeting.

50. *Functions of the Tariff Advisory Committee.*—The functions of the Tariff Advisory Committee shall be the following, namely:—

(a) to control and regulate from time to time and to the extent it deems expedient the rates, advantages, terms and conditions that may be offered by insurers in respect of any risk or of any class or category of risks, the rates, advantages, terms and conditions of which, in its opinion, it is proper to control and regulate;

(b) to collect from any insurers such information or statements, periodical or *ad hoc*, as it may consider necessary to enable it to discharge its functions under Part IIB of the Act;

(c) to constitute Regional Committees and sub-Committees and, by regulations made with the previous approval of the Central Government, to delegate to them from time to time such powers and functions as may be deemed necessary or expedient and withdraw or alter from time to time such powers and functions;

(d) to make, with the previous approval of the Central Government, regulations for all or any of the matters specified in sub-section (3) of section 64UB of the Act;

(e) to fix the amount of fees payable by insurers and to fix fees and charges to cover the cost of any specific services rendered by it;

(f) to invest, deal with or otherwise dispose of any of the monies or property or assets of the Committee and from time to time vary and realise such investments;

(g) to make and give receipts, releases and other discharges for monies payable for goods or property belonging to the Committee and for the claims and the demands of the Committee;

(h) to sanction all expenditure for the purpose of carrying out its functions and duties;

(i) to decide all subjects and matters as may be referred to it by the Regional Committees;

(j) to appoint such officers and servants as may be necessary and fix the conditions of their service.

(k) to sign, seal, execute and deliver all instruments, deeds, documents or writings necessary or expedient for the purpose of carrying out its duties and functions;

(l) to invite to its meetings any person whose presence is necessary or desirable for transaction of the business of the meeting;

(m) to make arrangements, at any time, on the application of an insurer, for the inspection of an organisation which is concerned with the inspection of risks, adjustment of losses or fire fighting appliances and, whenever necessary, to advise insurers about the adequacy of the arrangements for the inspection of risks and adjustment of losses or the suitability of such appliances

(n) to do all such acts and conduct all such matters as may be necessary, incidental or ancillary to any of the matters specified in clauses (a) to (m) or in order to effectively discharge the functions vested in the Committee by the Act.

51. *Regional Committees.*—The elected representatives in the Regional Committee for any prescribed area shall be elected as follows, namely:—

(i) one or two members, as the Advisory Committee may fix, shall be elected by insurers incorporated outside India and registered under the Act and carrying on general insurance business in that area;

(ii) such number of members, as the Advisory Committee may fix not exceeding four or not exceeding three according as one or two members are to be elected under clause (i), shall be elected by Indian insurers registered under the Act and carrying on general insurance business in that area.

52. *Appeal by agents against disciplinary action.*—The Central Government may for the purpose of disposing of any appeal under sub-section (5) of Section 64UJ of the Act require such information supported by documentary proof wherever possible from the agent concerned as it may require.

53. *The fees payable to the Tariff Advisory Committee.*—The fees payable to the Tariff Advisory Committee under sub-section (1) of Section 64UK in respect of a calendar year shall be paid before the 31st December of that year and shall be paid by means of a crossed bank draft on any Branch of the State Bank of India in Bombay City drawn in favour of the Committee.

54. *Apportionment of Provident Fund.*—Where on or after the commencement of the Insurance (Amendment) Act, 1968 (62 of 1968) all the employees of the Tariff Committee and the Regional Councils of the General Insurance Council do not become employees of the Tariff Advisory Committee under section 64UH of the Act, all the moneys and other assets belonging to the provident fund or superannuation fund or any other like fund referred to in sub-section (3) of section 64UF of the Act shall be apportioned between the Tariff Advisory Committee and the trustees of the fund in the following manner, namely:—

(i) the moneys and other assets of any provident fund shall be apportioned in the proportion which the total of the amounts lying to the credit of the persons becoming employees of he Tariff Advisory Committee bears to the total of the amounts lying to the credit of the persons who do not become employees of the Tariff Advisory Committee;

(ii) the moneys and other assets of any superannuation fund shall be apportioned in the proportion which the liability of the fund in respect of the persons becoming employees of the Tariff Advisory Committee bears to a similar liability in respect of persons who do not become employees of the Tariff Advisory Committee, such liability to be ascertained on such basis

as may be determined by the Tariff Advisory Committee and approved by the Central Government; and

(iii) the moneys and other assets of any other like fund shall be apportioned in accordance with the principles set out in clause (i) or clause (ii), as the case may be.

Explanation.—For the purposes of this rule the assets of a provident fund, superannuation fund or any other like fund shall be valued at the market rate as on the date of commencement of the Insurance (Amendment) Act, 1968 (62 of 1968).

Licensing of Surveyor & Loss Assessors

55. *Licence fee for Surveyors or Loss Assessors and Collection thereof.*—(1) The fee for obtaining a licence to act as a Surveyor or Loss Assessor shall be Rs. 250 and for renewing such licence shall be Rs. 200.

(2) Any fee specified in this rule shall be paid into the Bank or where there is no office of the Bank, into the State Bank of India acting as the agent of that Bank or into any Government Treasury for credit under the central head "XXI—Miscellaneous Departments—Fees realised under the Insurance Act, 1938" and the receipt shall be sent along with the relevant application.

56. *Issue of licences to Surveyors or Loss Assessors*—An Applicant who desires to obtain or renew a licence to act as a Surveyor or Loss Assessor shall proceed as follows :-

(a) the applicant shall obtain from the Controller of Insurance a form of application for a licence which shall be,—

(i) in the case of an individual, whether working as a sole proprietor of a firm or not Form XVIII—A I or XVIII—B. I Form XVIII—A I shall be used when the applicant applies for a licence for the first time or for a fresh licence, while Form XVIII—B I shall be used when the applicant applies for the renewal of the licence already held by him;

(ii) in the case of a company or firm, Form XVIII—AF, or Form XVIII—BF. Form XVIII—AF shall be used when the applicant applies for a licence for the first time or for a fresh licence, while Form XVIII—BF shall be used when the applicant applies for the renewal of the licence already held by him;

(b) he shall then send to the Controller of Insurance the completed application form along with the receipt showing payment of the fees specified in rule 55;

(c) the Controller of Insurance or the officer authorized by him may, after taking all reasonable steps to satisfy himself that the application is in order, that the applicant fulfils the requirements of clause (D) of sub-section (1) of section 64UM of the Act and that the applicant is not disqualified from holding a licence, issue a licence to him or, as the case may be, renew the licence. The licence shall be in Form XVIII—AAI in the case of an individual and in Form XVIII—AAF in the case of a company or firm. Renewal of licence shall be in Form XVIII—BBI in the case of an individual and in Form XVIII—BBF in the case of a company or firm;

(d) no application for the renewal of a licence shall be entertained if it does not reach the Controller at least thirty days before the date on which the licence ceases to be in force.

Sufficiency of Assets

Manner of bringing up the excess of the value of assets over the amount of the liabilities to the relevant amount.—(1) In the case of an insurer carrying on general insurance business at the commencement of the Insurance (Amendment) Act, 1968 (62 of 1968) the excess of the value of his assets over the amount of his liabilities shall be brought upto the 'relevant amount

as defined in sub-section (1) of Section 64 VA of the Act, in four stages as specified in the following table :—

TABLE

STAGE	DATES	Excess of the value of the assets over the amount of liabilities to be maintained as at the date mentioned in column (2) and thereafter, shall be not less than.
(1)	(2)	(3)
I	31-12-1969	One fourth of the 'relevant amount' arrived at in the manner specified in sub-section (1) of section 64 VA of the Act.
II	31-12-1970	One half of the 'relevant amount' arrived at in the manner specified in sub-section (1) of section 64 VA of the Act.
III	31-12-1971	Three fourths of the 'relevant amount' arrived at in the manner specified in sub-section (1) of section 64 VA of the Act.
IV	31-12-1972	The 'relevant amount' arrived at in the manner specified in sub-section (1) of section 64 VA of the Act.

(2) Where in the case of an insurer referred to in sub-rule (1) the Central Government has, under the provisions of the third proviso to sub-section (1) of section 64VA, extended the date of 31st December 1972 referred to in the said proviso to a subsequent date, the excess of the value of assets over the amount of the liabilities shall be brought up to the relevant amount in four stages in accordance with sub-rule (1) but the dates mentioned in column (2) of the Table in that sub-rule shall be deemed to have been altered as follows :—

(a) the date against Stage I shall be extended by one fourth of the interval between 31st December 1972 and the extended date;

(b) the date against Stage II shall be extended by one half of the interval between 31st December 1972 and the extended date;

(c) the date against Stage III shall be extended by three-fourths of the interval between 31st December 1972 and the extended date;

(d) in Stage IV, the extended date shall be substituted in place of the 31st Decber 1972 mentioned against that stage:

Provided that if any such altered date against stages I, II or III is not the last day of a calendar month, it shall be changed to the last day of the immediately preceding calendar month.

58. *Advance Payment of Premiums.*—For the purposes of sub-section (1) of section 64VB of the Act, a risk in respect of a policy may be assumed before the premium payable in respect thereof is received :—

(i) if the entire amount of the premium is guaranteed to be paid by a Banking Company before the end of the calendar month next succeeding to the month in which the risk is assumed, if the premium due is not paid by the insured before that date;

(ii) if an advance deposit is made with the insurer to the credit of the insured sufficient to cover the payment of the entire amount of the premium together with the premium, if any, due from the insured in respect of any other risk already assumed against such deposit, such deposit being agreed to be adjusted towards the premium before the end of the month next succeeding to the month in which the risk is assumed, if the premium due is not paid by the insured before that date.

59. *Relaxation.*—In respect of the categories of insurance policies mentioned hereunder the requirements of sub-section (1) of section 64VB shall stand relaxed to the extent and in the manner mentioned against each category of policy, subject to the conditions mentioned therein :—

(a) *Policies issued to Government and semi-Government bodies.*—The risk may be covered on such policies on the strength of an undertaking by the proposer to pay the premium within 30 days of the date of intimation of the amount of premium or within such further period as the Controller may fix in any particular case.

(b) *Policies under Sickness Insurance Scheme.*—Premiums on such policies may be accepted in instalments provided that the instalment covering a particular period shall be received on or before the date of commencement of the period.

(c) *Fidelity Guarantee Insurance.*—Fidelity Guarantee insurance policies covering Government employees from the date of appointment may be issued.

(d) *Policies covering risks where exact premium cannot be ascertained without reference to Head Office, Principal Office etc.*—Where the exact premium for a risk cannot be ascertained without reference to Head Office, Principal Office or Controlling Office or to the Tariff Advisory Committee or Regional Committee or for any other reason, the risk may be assumed if there is a deposit made by or on behalf of the insured with the insurer at a suitable rate not less than 2.5 per mille but the premium in such cases shall be paid or adjusted within thirty days of the commencement of risk or, where a reference is made to the Tariff Advisory Committee or a Regional Committee, within fifteen days of the date of the advice from the Tariff Committee or the Regional Committee as the case may be, failing which the cover shall be cancelled on the expiry of the period of thirty days or fifteen days as the case may be. Provided that in the case of policies covering Carriers' Liability, the adjustment of premium may be made after the expiry of the policy.

(e) *Declaration Policies.*—Risk in respect of such policies may be assumed if at least the premium calculated on 75 per cent of the sum assured has been received before assumption of the risk.

(f) *Policies issued on the basis of adjustable premiums.*—Risk in respect of policies issued on the basis of adjustable premiums such as workmen's compensation, cash in transit etc. may be assumed on receipt of provisional premiums based on a fair estimate.

(g) *Annual Insurances connected with aircraft hulls and connected with marine hulls.*—Facilities for delayed payment of premium on such policies, or the payment of premium by means of instalments not exceeding four in number and on the basis of an approved clause, may be allowed at the discretion of the insurer, provided that such clause is endorsed on the policy.

(h) *Short period covers in respect of Insurance connected with aircraft hulls and marine hulls.*—Short period covers may be granted on such risks on a held covered basis, subject to the condition that the premium or additional premium in respect of risks assumed in a calendar month shall be paid by end of the next calendar month.

(i) *Policies issued for long term.*—In the case of policies issued for long term, such as Contract Performance Bonds or Guarantees, Contractors' "All Risks" policies, Machinery Erection policies and the like, the premium may be staggered as necessary according to custom, over the period of the cover, provided that the first equated instalment is higher than any other instalment by at least 5 per cent of the total premiums payable and each instalment is paid in advance. Where the premiums are payable by declarations, they may be paid within fifteen days from the dates of receipt of declarations.

(j) *Schedule and Consequential Loss Policies.*—In such cases a provisional amount towards the premium shall be collected before the date of inception or renewal of risk on the basis of the previous year's premium.

(k) *Marine covers other than Hulls.*—(i) In the case of inland shipments and transit risks, risk may be assumed under open policies in respect of seasonal crops such as tea, on the payment of a provisional premium based on a fair estimate.

(ii) In the case of exports overseas, risk may be assumed subject to the condition that the premium shall be paid within fifteen days from the date of sailing of the overseas vessel.

(iii) In the case of imports, risk may be assumed subject to the condition that the premium shall be paid within fifteen days of the receipt of declaration in India from the insurer's or insured's representative overseas :

Provided that the relaxations under sub-clauses (ii) and (iii) shall apply to marine cover notes only and not to marine policies.

(l) *Policies relating to co-insurances.*—The premium shall be deemed to have been duly paid if paid on the full insurance to any one of the co-insurers.

(m) *Policies of reinsurance.*—Risk may be assumed without payment of premium in advance in insurances accepted under automatic reinsurance contracts.

Consultative Committee

60. *Term of Office.*—Any person nominated as a member of the Consultative Committee constituted under sub-section (1) of section 110G of the Act (hereafter in this rule and rules 61 to 65 referred to as the Committee) shall hold office during the pleasure of the Central Government and subject thereto for a period not exceeding three years or such further periods not exceeding three years at a time as the Central Government may specify.

61. *Resignation and filling of casual vacancies.*—(1) Any member of the Committee may resign his membership of the Committee by notice in writing addressed to the Secretary to the Government of India, Ministry of Finance (Department of Revenue and Insurance) to that effect and such resignation shall take effect from the date on which it is accepted by the Central Government.

(2) Casual vacancies in the Committee whether caused by resignation, death or otherwise, shall be filled by nomination by the Central Government.

62. *Secretary.*—The Central Government may appoint a Secretary to the Committee for the purpose of performing such functions as are assigned to him by these rules or as may be assigned to him by the Chairman of the Committee

63. *Procedure for the conduct of business of the Committee.*—Procedure for the conduct of business of the Committee shall be as follows, namely:—

(1) *Meetings of the Committee.*—Meetings of the Committee may be held at such places and at such times as may be decided by the Chairman of the Committee.

(2) *Notice of Meeting.*—Notice of any meeting of the Committee shall be sent by the Secretary of the Committee to every member at least seven days before the date of the meeting.

(3) *Quorum for the meeting.*—Two members in addition to the Chairman shall constitute quorum for a meeting.

(4) *Adjournment of a meeting.*—If the requisite quorum is not available within half an hour of the appointed time for a meeting, the Chairman may adjourn the meeting to such date and time as he may decide.

(5) *Chairman to preside at meeting.*—The Chairman shall preside at all meetings of the Committee.

(6) *Record of deliberations.*—The results of the deliberations of every meeting shall be recorded in the form of a note explaining, in brief, the matters referred to the Committee and the recommendations thereon of each of the members (other than the Chairman) present. Such record shall be signed by the Chairman and the members present.

(7) *Circulation.*—Any matter for consideration of the Committee may at the discretion of the Chairman be referred to the members for suggestions by circulation as an alternative to convening a meeting for the purpose.

64. *Allowances payable to members of the Consultative Committee.*—(1) Every non-official member shall be entitled for attending meetings of the Committee to travelling and other allowances as under:—

(i) travelling allowance for journeys from the usual place of residence or the place of commencement of the journey to the place of the meeting and the return journey to the place of commencement of the journey or the usual place of residence, whichever is shorter in each case, at the maximum rate for the time being admissible to a Central Government servant of the first grade. Subject to the foregoing, the member shall be entitled to travel either by air-conditioned class or by air;

(ii) daily allowance at the maximum rate for the time being admissible to Central Government servants of the first grade at the place of the meeting for the days on which the meeting is held and in respect of one day previous to the commencement of the meeting and one day after the meeting if the member actually arrives on or before and leaves on or after the respective days.

(2) The travelling allowances and daily allowances of an official member shall be governed by the rules for the time being applicable to him for journeys performed on official duty.

65. *Fees of Members.*—A non-official member shall be entitled to a fee for attending meetings of the Committee of Rs. 100 for each day of the meeting."

16. In the said rules, the existing Schedule shall be renumbered as Schedule I thereof and in schedule I as so renumbered,—

(*a*) After Form IV-A, the following Form shall be inserted, namely—

'FORM IV-AA

[*See* Rule 10 C (3)]

Return of investments of the assets of the (insurer) as at 19 . (See Section 28B(1) of the Act)

(Please see the notes appended to the form)

PART A. (Investments approved under section 27B(1) of the Insurance Act, 1938).

(1) Government securities and other securities charged on the revenues of the Central Government or of a State Government or guaranteed fully as regards principal and interest by the Central Government or a State Government and specified as approved securities by the Central Government.

Full description of the security	Date of purchase	Date of Maturity	Rate of Interest	Face Value	Book Value	Market Value	Remarks

(2) Approved securities other than those referred to in item (1) above [See section 2(3) of the Act]

Full description of the security	Date of Purchase	Date of Maturity	Rate of Interest	Face Value	Book Value	Market Value	Remarks

(3) Securities issued by the Government of any country outside India.

Full description of the security indicating the name of the country	Date of Purchase	Date of Maturity	Rate of Interest	Face Value	Book Value	Market Value	Remarks

(4) Debentures or other securities for money issued with the permission of the State Government by any Municipality in a State.

[*See* section 27-B(1)(a) of the Act]

Full description of the Debenture or Security	Date of Purchase	Date of Maturity	Rate of Interest	Face Value	Book Value	Market Value	Remarks

(5) Debentures or other securities for money issued by any authority constituted under any housing or building scheme approved by the Central Government or a State Government or by any authority or body constituted by any Central Act or Act of a State Legislature.

[*See* section 27-B(1) (a) of the Act]

Name of the housing or building scheme	Name of the Govt. approving the scheme or the Act under which the scheme is constituted	Date of investment	Maturity date of the Debentures or security	Rate of Interest	Face Value	Book Value	Market Value	Remarks

(6) First Mortgages on Immovable property situated in India under any housing or building Scheme of the insurer approved by the Central or a State Government.

[*See* section 27-B(1) (a) of the Act]

Location of the property	Value of the property (date of last valuation of the property)	Amount advanced	Date of Advance	Rate of Interest	Name of the State approving the scheme and date of approval	Amount outstanding		Remarks
						Principal	Interest*	

*If outstanding for more than one year the fact should also be stated.

(7) Immovable Property situated in India or in any country where the Insurer is carrying on insurance business.

[*See* section 27-B(1) (a) of the Act]

Situation of the property	Land or Building or both	Whether land is lease-hold or free-hold	Date of Purchase	Amount invested by the insurer	Net Annual Rental value of the property *i.e.* net of taxes maintenance, depreciation, etc.	Whether free from all encumbrances	Remarks

(8) Fixed deposits with Banks included in the second Schedule to the Reserve Bank of India Act, 1934, or Co-operative Societies registered under the Co-operative Societies Act, 1912 or any other law for the time being in force the primary object of which is to finance Co-operative societies similarly registered.

[*See* section 27-B(1) (a) of the Act]

Name of the Bank or Cooperative society with addresses	Date of Deposit	Rate of Interest	Period of Deposit	Amount of Deposit	Whether Section 27-B(10) satisfied	Remarks

(9) Debentures and Shares of Co-operative Societies registered under the Cooperative Societies Act, 1912, or any other law for the time being in force.

[*See* section 27-B(1) (a) of the Act]

Name and address of Society	Date of purchase	Date of maturity of Debentures	Debentures			Shares			Remarks
			Face Value	Book Value	Market Value	Face Value	Book Value	Market Value	

(10) Debentures secured by a first charge on any immovable property, plant or equipment, of any company which has paid interest in full for three years immediately preceding or for at least three out of four or five years immediately preceding on such or similar debentures issued by the company.

[*See* section 27B(1) (b) of the Act]

Name of the Company	Date of issue of debenture	Date of purchase by the insurer	Whether the charge is on property, plant or equipment	Rate of interest	Face Value	Book Value	Market Value	Remarks

(11) Debentures secured by a first charge on any immovable property, plant or equipment of any company where, either the book value or the market value, whichever is less, of such property, plant or equipment is more than twice the value of the debentures.

[*See* section 27-B (1) (c) of the Act]

Name of the Company	Date of purchase	Date of Maturity of the debentures	Rate of interest	Face Value	Book Value	Market Value	Remarks

(12) First debentures secured by a floating charge on all its assets or by a fixed charge on fixed assets and floating charge on all other assets of any company which has paid dividends on its equity shares for the three years immediately preceding or for at least three out of the four or five years immediately preceding the date of the investment.

(*See* section 27-B (1) (d) of the Act)

Name of the company	Date of purchase by the insurer	Date of maturity of debentures	Rate of interest	Face Value	Book Value	Market Value	Remarks

(13) Preference shares of any company which has paid dividends on its equity shares for the three years immediately preceding or for at least three out of four or five years immediately preceding.

(*See* section 27-B (1) (e) of the Act)

Name of the company	Date of purchase by the insurer	Rate of Interest	Whether redeemable and if so date of redemption	Face Value	Book Value	Market Value	Remarks

(14) Preference shares of any company on which dividends have been paid for the three years immediately preceding or for at least three out of four or five years immediately preceding and which have priority in payment over all the equity shares of the company in winding up.

(*See* section 27-B (1) (f) of the Act)

Name of the company	Date of purchase	Rate of Interest	Whether redeemable and if so date of redemption	Face Value	Book Value	Market Value	Remarks

(15) Shares of any company which have been guaranteed by another company such other company having paid dividends on its equity shares for the three years immediately preceding or for at least three out of the four or five years immediately preceding.

(*See* section 27-B(1) (g) of the Act)

Name of the Company	Name of the guaranteeing Company	Date of purchase	Face Value	Book Value	Market Value	Whether proviso to Sec. 27-B (1) (g) complied with	Remarks

(16) Shares of any company on which dividends of not less than four per cent. including bonus have been paid for the three years immediately preceding or for at least three out of the four or five years immediately preceding.

(*See* section 27-B(1) (h) of the Act)

Name of the company	Date of purchase	Face Value	Book Value	Market Value	Remarks

(17) First Mortgages on immovable property situated in India or in any other country where the insurer is carrying on insurance business.

[*See* section 27B (1) (i) of the Act]

Situation of the property and name of the owner	Whether land or buildings or both	Whether land is lease-hold or free-hold	Outstanding period of the mortgage if property is lease-hold	Outstanding period/ term of the lease, if the property is lease-hold	Type of mortgage	Date of mortgage	Value of the land

Value of the Buildings	Date of last valuation of the property and name of the Valuer	Amount advanced on the Mortgage		Rate of interest	Outstanding amount		Remarks
		Land	Buildings		Principal	Interest	

(18) Other investments notified under clause (j) of sub-section (1) of section 27B of the Act.

Description of the investment	Date of purchase	Face Value	Book Value	Market Value	Interest or dividend paid last	Remarks

PART B

[Relating to investments held invested under Section 27B(3) of the Insurance Act, 1938 in respect of which a resolution has been adopted in terms of that section]

(1) 25 per cent of the assets referred to in sub-section (3) of section 27B of the Act estimated as at the date of this return.

(2) Particulars of investments.

Name of the Company whose shares or debentures are held by the insurer and description of investments	Date of purchase	Date of Maturity	Face Value	Book Value	Market Value	Name of Directors of the insurer interested in the investment	Extent of interest of Directors	Whether Sec. 27B (4), (5) and (6) satisfied	Remarks
TOTAL									

PART C

Particulars of investments other than those shown in Part A, Part B and Part D and not satisfying the requirements of sub-sections (1) and (3) but complying with the requirements of sub-sections (4) and (5) of section 27B of the Act.

Full description of the investment (including the name of the Co.)	Date of investment	Face Value	Book Value	Market Value	Name of the Directors of the Insurer interested in the Investment	Extent of interest of Directors	Remarks

PART D

Particulars of investments not satisfying the requirements of sub-sections (4) and (5) of section 27B of the Act.

I

Full description of the Investment (including the name of the Company in which invested)	Total Value of the Investment	Amount held invested in excess of the requirements of				Date of Investment	Names of the Directors of the insurer who are interested in the investment	Extent of each Director's interest in the Company	If the investment is shown in Part A or Part B of the statement indicate it by cross reference	Remarks
		Sub-section (4)		Sub-section (5)						
		Clause (a)	Clause (b)	Clause (a)	Clause (b)					

II

Particulars of investments not satisfying the requirements of sub-section (6) of section 27B of the Act.

Name of the Company	Date of Investment	Face Value	Book Value	Market Value	Name of Directors of Insurer interested in the private Company	Extent of Directors interest	Remarks

I hereby certify that the particulars furnished in the return are true and complete to my knowledge.

Date:

Principal Officer.

NOTES

I. (a) Market value of securities, debentures, shares etc. should be ascertained from published quotations. Where published quotations are not available, it should be stated in the remarks column how the market values have been arrived at.

(b) If 'accrued interest' has been added to the market value, it should be so stated in the remarks column.

(c) In the case of shares and debentures of Companies, the location of the Companies should also be stated.

(d) In the case of mortgages of property, and properties owned by the insurer, location of each property should be separately stated.

(e) In the case of investments made on and after the 31st December, 1968, the date of purchase should be given.

II. In respect of investments in Part A of the statement, investments which were approved at the time of the last statement but ceased to be so subsequently should be distinctly marked by double asterisks.

III. Investments held in deposit under section 7 of the Act should also be included in the return.";

(b) after Form IV-B, the following Form shall be inserted, namely:—

"FORM IV-BB

[*See* Rule 10C(4).]

Return showing all the changes that occurred in the investments of the assets of the..... (insurer), during the quarter ending .... 19 .

[*See* section 28B(2) of the Act]

(1) Purchases and other additions during the quarter ending.....19

Full description of the investment.	Date of purchase or addition	Purchase Price	Face Value	Book Value	Market Value	State whether the investment complies with sec. 27B(1)	State whether the additions to the existing holding, if any, would attract Sec. 27B(4) or (5)

(2) Sales and other deductions during the quarter ending 19

Full description of the investment	Date of Sale or disposal	Sale price	Amount realised by the Sale	Face Value of investment sold.	Book Value of the investment sold	Date of purchase of the investment now sold*	Purchase price of the investment now sold.

*To be given in the case of investments made after 31st December, 1968. If made before the said date it may be so stated in the columns. Also See Note 1(a) to 1(d) in Form IV-AA";

(c) in Form V, for the words and figure "Government of India Insurance Stamps for Rs. 5/-", the words and figure "Government of India Insurance Stamp for Rs. 15/-" shall be substituted;

(d) in Form V-A, in note 5, for the word and figure "Rs. 5" and "Rs. 2" the word and figures "Rs. 15" and "Rs. 7" shall respectively be substituted;

(e) in Form V-P, for the words and figure "Government of India Insurance Stamp for Rs. 5/-" the words and figure "Government of India Insurance Stamp for Rs. 15/-" shall be substituted;

(f) in Form V-PA, in note 5, for the word and figure "Rs. 5" and "Rs. 2", the word and figures "Rs. 15" and "Rs. 7" shall respectively be substituted;

(g) in Form V-S, for the words and figure "Government of India Insurance Stamp for Rs. 5/-", the words and figures "Government of India Insurance Stamp for Rs. 15/-" shall be substituted;

(h) in Form V-SA,—

(i) for the words and figure "Government of India Insurance Stamp for Rs. 5/-", the words and figures "Government of India Insurance Stamp for Rs. 15/-" shall be substituted;

(ii) in note 5, for the words and figure "Rs. 5" and "Rs. 2", the word and figures "Rs. 15" and "Rs. 7" shall respectively be substituted;

(i) in Form V-SS, for the words and figure "Government of India Insurance Stamp for Rs. 5/-", the words and figures "Government of India Insurance Stamp for Rs. 15/-" shall be substituted;

(j) In Form V-SSA,—

(i) For the words and figure "Government of India Insurance Stamp for Rs. 5/-", the words and figures "Government of India Insurance Stamp for Rs. 15/-" shall be substituted;

(ii) in note 5, for the word and figure "Rs. 5/-" and "Rs. 2/-", the word and figures "Rs. 15/-" and "Rs. 7/-" shall respectively be substituted;

(k) after Form V-G, the following Form shall be inserted namely:—

"FORM V-GG

(*See* Rule 17-AA)

From

(Name)
(Occupation)
(Address)

To

The Directors,
Insurance Co. Ltd.,

In connection with shares Nos. of your company standing in your share register in the name of (name) (occupation) (address)

I hereby solemnly declare that out of the above shares,

(i) I am the sole beneficial owner of shares Nos. and I acquired the beneficial interest before the commencement of the Insurance (Amendment) Act, 1968 (62 of 1968).

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on the day of 19

(ii) in respect of shares Nos. I and (name)
(occupation) (address)
and (name) (occupation)
(address) are joint beneficial

owners, my interest in these shares being limited to and was acquired before the commencement of the Insurance (Amendment) Act, 1968.

---

on the day of 19 .
Made on day the 19 at
in the presence of

(Witness) signature
Name and Address. Signature.

I, of in whose name the Shares Nos. of your company stand in your share register, hereby recognise in full the interest claimed in respect of the said shares and in token thereof have countersigned the above declaration.

Signed on the day of the 19
In the presence of
(Witness) Signature
Name and Address. Signature";

(l) after Form XVI, the following Forms shall be inserted namely:—

"FORM XVII

(*See* Rule 40)

Warrant of Authorisation under section 34 H of the Insurance Act, 1938 and Rule 40 of the Insurance Rules, 1939.

Shri .....
Name & Designation of the Officer

Whereas information has been laid before me and on the consideration thereof, I have reason to believe that

a requisition under sub-section (2) of section 33 of the Insurance Act 1938 by..... .....to.....(name of the person) was served on .....(date) to produce or cause to be produced the books, accounts and other documents specified in the requisition and he has omitted or failed to produce or cause to be produce such books, accounts or other documents as required by such requisition.

---

a requisition under sub-section (2) of section 33 of the Insurance Act 1938 by ..... to.....(name of the person) was served on.....(date) to produce or cause to be produced the books, accounts and other documents specified in the requisition and he will not produce or cause to be produced such books, accounts, or other documents as required by such requisition.

---

a contravention of the provisions of section.....this Act has been committed or is likely to be committed by.....

Name of insurer.

Claim No.....; under Policy No.....in the class of.....insurance business which is due to be settled by..... .....

Name of Insurer.

has been or is likely to be settled at a figure higher than a reasonable amount,

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Claim No.....under Policy No.....in the class of.....insurance business which is due to be settled by..... (Name of insurer) has been or is likely to be rejected or settled at a figure lower than a reasonable amount,

An illegal rebate or commission has been paid or is likely to be paid by .....
Name of insurer.
in respect of.....

the books, accounts, receipts, vouchers, survey reports or other documents, specified in the attached list belonging to ....are likely to be tampered
Name of the insurer.
with, falsified or manufactured

And whereas I have reason to suspect that such books, accounts or other documents as are necessary for the purposes of investigation of matters aforesaid, have been kept and are to be found at .....
(Specify particulars of the building or place);

This is to authorise and require you.....(name of authorized officer):—

(*a*) to enter and search the said premises;

(*b*) to place identification marks on such books, accounts and documents as may be found in the course of the search and as you may consider relevant to or useful for the purposes of or the investigation of matters aforesaid and to make a list thereof together with particulars of the identification marks;

(c) to examine such books, accounts and documents and make, or cause to be made, copies or extracts from such books of account and documents;

(d) to seize any such books, accounts or documents, found as a result of such search and take possession thereof;

(e) to convey such books, accounts or documents, to
——————————————(Office).

(f) to exercise all other powers and perform all other functions under section 34H of the Insurance Act, 1938 and the rules relating thereto.

You may requisition the services of any Police Officer or any officer of the Central Government, or of both, to assist you for all or any of the purposes specified in sub-section (1) of section 34H of the Insurance Act, 1938.

CONTROLLER OF INSURANCE.

FORM XVIII—AF

APPLICATION FROM A FIRM OR COMPANY FOR A LICENCE TO ACT AS A SURVEYOR/LOSS ASSESSOR

(*See Rule* 56)

To

The Controller of Insurance,
Simla-4.

Dear Sir,

It is requested that a licence to act as a Surveyor/Loss Assessor may be granted to our Firm/Company.

2. The receipt No.....dated.....from.... showing payment of fees of Rs. 250 is enclosed.

3. *It is hereby declared that—

(i) any partner of our Firm/any Director of our Company has not been found to be of unsound mind by a Court of competent jurisdiction;

(ii) any partner of our Firm/any Director of our Company has not been found guilty of criminal mis-appropriation or criminal breach of trust, or cheating or forgery, or an abetment of or attempt to commit any such offence by a Court of competent jurisdiction;

(iii) any partner of our Firm/any Director of our Company has not been found guilty of or to have knowingly participated in or connived at any fraud, dishonesty or mis-

*Strike out portions not required

representation against an insurer or an insured in the course of any judicial proceedings relating to any policy of insurance or the winding up of an insurance company or in the course of an investigation of the affairs of an insurer; and

(iv) any partner of our Firm/any Director of our Company is not a minor.

4. It is also declared that the particulars given below are true.

1.	Full name of the applicant (In Block Letters)	1. Company/Firm.....
2.	Full Address	2. .....
3.	The names of all the partners/Directors, with their addresses stating in each case the date of birth and whether the partner/Director claims to—	3. .....
	(a) have been in practice as a surveyor/loss assessor on the 26th October, 1968, or	(a) .....
	(b) hold a degree of a recognised university in any branch of engineering, or	(b) .....
	(c) be a fellow or associate member of the Institute of Chartered Accountants of India or Institute of Cost and Works Accountants of India, or	(c) .....
	(d) possess actuarial qualifications or hold a degree or diploma of any recognized University or institute in relation to insurance, or	(d) .....
	(e) hold a diploma in insurance granted or recognized by the Government.	(e) .....
	(N.B.—In the case of each of the partners/Directors claiming to come under (a) above a declaration in the form given in the Annexure to this Form duly filled in and sworn before a Magistrate, Notary Public or Justice of the Peace should be forwarded with this Form and in the case of each of the partners/Directors claiming to come under any one of (b) to (e) above, the original diplomas/certificates with one attested copy each should be enclosed. The original diplomas/certificates will be returned after perusal).	(If the space above is insufficient particulars may be given in a separate sheet which should be signed by the applicant)
4.	Did the Firm/Company ever hold a licence, if so state number and date.	4. ..... No.....Date.....

Name of place.....
Dated the..... 19 .

Yours faithfully,
Signature of applicant
Designation

Name of Firm/Company.....

(See notes on the reverse)

ANNEXURE

I.....Son/Daughter/Wife of.....hereby declare that on the 26th day of October 1968 I was in practice as a surveyor/loss assessor in respect of general insurance business in my individual capacity/as a partner/Director of (name of Firm). I also declare that I have/the firm has/the company has acted as surveyor/loss assessor and I have/has signed a survey/loss assessment report in respect of the following* :—

1. Insurance Co.
2. Class of Insurance business.
3. Policy No. and claim No.
4. Date of report.

Place.....
.....

Signature of the applicant

The above declaration was sworn before me by Mr/Mrs./Miss.....
who is identified by Mr./Mrs./Miss.....of.....who is known to me.

Signature & Seal of Magistrate, Notary Public or Justice of the Peace.

Place.....

Date.....

*The applicant must give details of a recent survey/loss assessment report signed by him / the Firm/the Company as a surveyor/loss assessor.

NOTES

1. The attention of the applicant is drawn to section 104 of the Insurance Act, 1938, which provides that whoever in any document required for the purposes of any of the provisions of that Act, wilfully makes a statement false in any material particular, knowing it to be false, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees, or with both.

2. A firm or company can apply for only one licence which will entitle it to act as a surveyor/loss assessor.

3. Any correction or alteration made in any answer to the questions in the application should be initialled by the applicant.

4. A fee of Rs. 250 should be paid into the Reserve Bank of India or where there is no office of the Reserve Bank of India, into the State Bank of India acting as the agent of the Reserve Bank of India or into any Government Treasury for credit under the head "XXI—Miscellaneous Departments—Fees realised under the Insurance Act, 1938" and the receipt shall be sent along with this application.

5. Payment in CASH OR BY MONEY ORDER, CHEQUE, POSTAL ORDER, POSTAGE OR INSURANCE STAMP OR BANK DRAFT, is not accepted and will be returned at applicant's cost.

6. No acknowledgment of this application will be sent. If one is required the application should be sent by registered post (acknowledgment due).

Not Transferable.

FORM XVIII—AAF

GOVERNMENT OF INDIA

(Office of the Controller of Insurance)

LICENCE No.....

(See Rule 56)

LICENCE TO ACT AS A SURVEYOR/LOSS ASSESOR UNDER PART II B OF THE INSURANCE ACT 1938.

Name.....

Address.....

.....

having paid the prescribed fee and having made the necessary declaration is hereby authorized under section 64 UM of the Insurance Act, 1938 to act as surveyor/loss assessor for five years from .....This Licence will expire on.....

Simla, dated the 19 . Controller of Insurance

Seal of the Firm/Company (See notes on the reverse)

NOTES

1. If it is desired to renew this licence for a further period, the procedure laid down, in rule 56 of the Insurance Rules 1939, shall be followed, and an application for renewal should reach the Controller of Insurance at least thirty days before the licence expires.

2. This licence authorises the licence holder to act as a surveyor/loss assessor for any registered insurer and therefore, no identifying mark or note of any description by which the identify of an insurer might be established should be placed on the licence.

3. No correction in this licence will be valid unless initialled by the Controller of Insurance or a person authorized by him in this behalf.

FORM XVIII—AI

APPLICATION FOR A LICENCE TO ACT AS A SURVEYOR/LOSS ASSESSOR

(See Rule 56)

To

The Controller of Insurance,

Simla-4.

Dear Sir,

I request that a licence to act as a surveyor/loss assessor may be granted to me.

2. I enclose the receipt No.....dated.....from the..... showing payment of the fees of Rs. 250.

3. I hereby declare that :—

(i) I have not been found to be of unsound mind by a Court of competent jurisdiction;

(ii) I have not been found guilty of criminal misappropriation or criminal breach of trust or cheating or forgery or an abetment of or attempt to commit any such offence by a Court of competent jurisdiction ; and

(iii) I have not been found guilty of or to have knowingly participated in or connived at any fraud, dishonesty or misrepresentation against an insurer or an insured in the course of any judicial proceeding relating to any policy of insurance or the winding up of an insurance company or in the course of an investigation of the affairs of an insurer;

4. I also declare that the particulars given below are true.

	(In block letters)
(1) Full name	(1) *Mr *Mrs ..... *Miss
(2) *Father's /husband's name	(2) .....
(3) Full address	§(3) .... § .....
(4) Date of birth of the applicant in Christian Era.	(4) .....
Whether the applicant has been in practice as a Surveyor or loss assessor on the 26th October 1968 (say 'Yes'or 'No') (If the answer is in the affirmative the declaration in the Annexure to this form should be filled in and duly sworn before a Magistrate, Notary Public or Justice of the Peace.)	(5) ....
†6. Qualifications : Whether the applicant possesses any of the following qualifications; if so give details and also enclose the original diplomas/certificates, together with attested copy of each.	(6) ....

§ If the licence is required in the name of sole proprietorship firm, the full name and address of the firm under which the individual carries on or proposes to carry on the work, should also be mentioned here.

(The original diplomas/certificates will be returned after perusal)

(a) holds a degree of a recognized University in any branch of engineering;	(a) .....
(b) is a fellow or associate member of the Institute of Chartered Accountants of India or the Institute of Cost and Works Accountants of India,	(b) .....
(c) possesses actuarial qualifications or holds a degree or diploma of any recognised University or institute in relation to insurance,	(c) .....
(d) holds a diploma in insurance granted or recognized by the Government.	(d) .....
(7) Have you ever held a licence ? if so, state No. and date.	(7) ..... No. ..... Date of issue.....

*Strike out portion not required.

†This need not be filled up, if answer to (5) is 'Yes'

Yours faithfully,
Signature of applicant.

Dated the.....

(See notes on the reverse)

Annexure

I.....Son/Daughter/Wife of .....hereby declare that on the 26th day of October 1968 I was in practice as a surveyor/loss assessor in respect of general insurance business. I also declare that I have acted as surveyor/loss assessor and have signed a survey/loss assessment report in respect of the following* —

1. Insurance Co.
2. Class of Insurance business.
3. Policy No. and Claim No.
4. Date of report.

Place..... *Signature of the applicant.*

Date.....

The above declaration was sworn before me by Mr./Mrs./Miss.....who is identified by Mr./Mrs./Miss/.. .....of.... .....who is known to me.

Signature & Seal of Magistrate, Notary Public or Justice of the Peace.

Place.....

Date.....

*The applicant must give details of a recent survey/loss assessment report signed by him as a surveyor/loss assessor.

NOTES

1. The attention of the applicant is drawn to Section 104 of the Insurance Act, 1938, which provides that whoever in any document required for the purposes of any of the provisions of that Act, wilfully makes a statement false in any material particular, knowing it to be false, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both.

2. An individual can apply for only one licence which will entitle him to act as a surveyor/loss assessor for any insurer.

3. Any correction or alteration made in any answer to the questions in the application should be initialled by the applicant.

4. An applicant must be at least 18 years of age on the date of submission of the application. In the case of an applicant declaring his age as 18 years, the exact date of birth should be given and in all other cases, either the exact date of birth or failing that the year of birth should be stated against item 4 of the application. If required the applicant shall furnish proof of age.

5. A fee of Rs. 250 should be paid into the Reserve Bank of India or where there is no office of the Reserve Bank of India, into the State Bank of India acting as the agent of the Reserve Bank of India or into any Government Treasury for credit under the head "XXI-Miscellaneous Departments—Fees realised under the Insurance Act, 1938" and the receipt shall be sent along with this application.

6. Payment in CASH OR BY MONEY ORDER, CHEQUE, POSTAL ORDER, POSTAGE OR INSURANCE STAMP OR BANK DRAFT is not accepted and will be returned at applicant's cost.

7. No acknowledgment of this application will be sent. If one is required, the application should be sent by registered post (acknoledgment due).

Not Transferable,

FORM XVIII—AAI

GOVERNMENT OF INDIA

(Office of the Controller of Insurance)

LICENCE No.....

(See Rule 56)

LICENCE TO ACT AS A SURVEYOR/LOSS ASSESSOR UNDER PART II-B OF THE INSURANCE ACT, 1938

Mr.

Mrs.....

Miss

Address .....

.....

§working as sole proprietor of..... .....
having paid the prescribed fee and having made the necessary declaration is hereby authorised under section 64UM of the Insurance Act 1938 to act as a Surveyor/Loss Assessor for five years

from..... This Licence will expire on.....
Simla, dated the .....19 . Controller of Insurance

Signature of licence-holder.....

§(Strike out if not required.)

(See notes on the reverse)

NOTES

1. If it is desired to renew this licence for a further period, the procedure laid down in Rule 56 of the Insurance Rules, 1939 shall be followed and an application for renewal should reach the Controller of Insurance at least thirty days before the licence expires.

2. This licence authorises the licence-holder to act as a surveyor/loss assessor for any registered insurer and therefore, no identifying mark or note of any description by which the identity of an insurer might be established should be placed on the licence.

3. No correction in this licence will be valid unless initialled by the Controller of Insurance or a person authorized by him in this behalf.

FORM XVIII—IIF

APPLICATION FROM A FIRM OR COMPANY FOR RENEWAL OF A LICENCE TO ACT AS A SURVEYOR/LOSS ASSESSOR

(See rule 56)

From

Name of Applicant .....
(In Block Letters)

Full Address .....
.....
.....
(In Block Letters)

To

The Controller of Insurance,
Simla-4.

Licence No.....

Date of expiry.....

Dear Sir,

It is requested that the above licence may be renewed for a further period of five years.

2. Receipt No..... .....dated.....from the..... showing payment of Rs. 200 is enclosed.

3. *It is hereby declared that.....

(i) any partner of our Firm/any Director of our Company has not been found to be of unsound mind by a Court of competent jurisdiction;

(ii) any partner of our Firm/any Director of our Company has not been found guilty of criminal misappropriation or criminal breach of trust, or cheating or forgery, or an abetment of or attempt to commit any such offence by a Court of competent jurisdiction ;

(iii) any partner of our Firm/any Director of our Company has not been found guilty of or to have knowingly participated in or connived at any fraud, dishonesty or misrepresentation against an insurer or an insured in the course of any judicial proceeding relating to any policy of insurance or the winding up of an insurance company or in the course of an investigation of the affairs of an insurer; and

(iv) any partner of our Firm/any Director of our Company is not a minor.

4. It is declared that each one of the partners/Director of the firm who was a partner/Director when the above-mentioned licence was issued and who is now a partner/Director continues to satisfy the requirements of clause (D) of sub-section (1) of section 64UM of the Act.

5. It is also declared that the particulars given below are true.

6. The name of all the partners/Directors, with their addresses, are given below, stating in each case the date of birth and whether the partner or Director claims to.....

(a) have been in practice as a surveyor/loss assessor on the 26th October, 1968, or — (a) .....

(b) hold a degree of a recognised university in any branch of engineering, or — (b) .....

(c) be a fellow or associate member of the Institute of Chartered Accountants of India or Institute of Cost and Works Accountants of India, or — (c) .....

(d) possess actuarial qualifications or hold a degree or diploma of any recognised University or Institute in relation to Insurance, or — (d) .....

(e) hold a diploma in insurance granted or recognised by the Government. — (e) .....

*Strike out portions not required.

(N.B.—In the case of each of the partners/Directors who was not a partner/Director on the date of the last application for licence (i) where he claims to come under (a) above a declaration in the form given in the Annexure to this Form duly filled in and sworn before a Magistrate, Notary Public or Justice of the Peace should be forwarded with this Form and (ii) where he claims to come under any one of (b) to (e) above; the original diplomas/certificates with one attested copy should be enclosed. The original diplomas/certificates will be returned after perusal).

Yours faithfully,

Dated the..... 19.

Signature of applicant

Designation; .....

Name of Firm/Company.....

(See notes on the reverse).

ANNEXURE

I,.....son/daughter/wife of ....., hereby declare that on the 26th day of October 1968 I was in practice as a surveyor/loss assessor in respect of general insurance business in my individual capacity as a partner/Director of..... (name of firm). I also declare that I have/the firm has/the company has acted as surveyor/loss assessor and have/has signed a survey/loss assessment report as surveyor/loss assessor in respect of the following*:—

1. Insurance Co.
2. Class of Insurance business.
3. Policy No. and claim No.
4. Date of report.

Place..... Signature of the applicant.

Date.....

The above declaration was sworn before me by Mr./Mrs./Miss ..... who is identified by Mr./Mrs./Miss.....of.....who is known to me.

Place..... Signature & Seal of Magistrate, Notary

Date..... Public or Justice of the Peace.

*The applicant must give details of a recent survey/loss assessment report signed by him/the firm/the company as a surveyor/loss assessor.

NOTES

1. The attention of the applicant is drawn to section 104 of the Insurance Act, 1938 which provides that whoever in any document required for the purposes of any of the provisions of that Act, wilfully makes a statement false in any material particular, knowing it to be false, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees, or with both.

2. The name and the licence number given in the application should be identical with those shown in the licence held. If there is any subsequent change in the name, the reasons for the same should be stated furnishing documentary evidence for the same.

3. Any correction or alteration made in the application should be initialled by the applicant.

4. The application should reach the Controller of Insurance at least thirty days before the expiry of the licence held by the applicant. If the application does not reach the Controller of Insurance at least 30 days before the date on which the licence ceases to be in force, it will not be entertained. In that case, the applicant, if he so desires, may apply for a fresh licence by paying a fee of Rs. 250.

5. A fee of Rs. 200 should be paid into the Reserve Bank of India or where there is no office of the Reserve Bank of India, into the State Bank of India acting as the agent of the Reserve Bank of India or into any Government Treasury for credit under the head "XXI—Miscellaneous Departments—Fees realised under the Insurance Act, 1938" and the receipt shall be sent along with this application.

6. Payment in CASH OR BY MONEY ORDER, CHEQUE, POSTAL ORDER, POSTAGE OR INSURANCE STAMP OR BANK DRAFT is not accepted and will be returned at applicant's cost.

7. No acknowledgment of this application will be sent. If one is required the application should be sent by registered post (acknowledgment due).

Not Tranaferable.

FORM XVIII—BBF

GOVERNMENT OF INDIA

(Office of the Controller of Insurance)

Licence No.....

(See Rule 56)

RENEWAL OF LICENCE TO ACT AS SURVEYOR/LOSS ASSESSOR UNDER PART II B OF THE INSURANCE ACT, 1938.

Name.....

Address.....

having paid the prescribed fee and having made the necessary declaration, its licence No..... dated..... ....to act as surveyor/loss assessor is hereby renewed upto the..... day of.....19 .

Simla, dated the.....19 . Controller of Insurance

Seal of the Firm/Company.

NOTES

1. If it is desired to renew the licence for a further petiod, the procedure laid down in rule 56 of the Insurance Rules, 1939, shall be followed, and an application for renewal should reach the Controller of Insurance at least thirty days before the licence expires.

2. The Licence authorizes the licence-holder to act as a surveyor/loss assessor for any registered insurer and therefore, no identifying mark or note of any description by which the identify of an insurer might be established should be placed on the licence or on this renewal licence.

3. No correction on this renewal licence will be valid unless initialled by the Controller of Insurance or a person authorised by him in this behalf.

FORM XVIII—BI

APPLICATION FOR RENEWAL OF A LICENCE TO ACT AS A SURVEYOR/LOSS ASSESSOR.

(See Rule 56)

From

Name of Surveyor/ Loss Assessor — Mr.* Mrs.* Miss.*

Full Address.....

.....

To †working as sole proprietor of.....

The Controller of Insurance,
Simla.

Licence No.....

Date of expiry.....

Dear Sir,

I request that the above licence may be renewed for a further period of five years.

2. I enclose receipt No.....dated..... from the.....showing the payment of Rs. 200.

3.* I declare that since the date of my last application for a licence . : :—

(i) I have not been found to be of unsound mind by a court of competent jurisdiction;

(ii) I have not been found guilty of criminal misappropriation or criminal breach of trust or cheating; or forgery or an abetment of or attempt to commit any such offence by a court of competent jurisdiction;

(iii) I have not been found guilty of or to have knowingly participated in or connived at any fraud, dishonesty or misrepresentation against an insurer or an insured in the course of any judicial proceeding relating to any policy of insurance or the winding up of an insurance company or in the course of any investigation into the affairs of an insurer; and

*Strike out whichever is not applicable.
†Strike out if not applicable.

(iv) my licence has not been cancelled at any time by the Controller of Insurance.

(v) I declare that I continue to hold the qualification on the basis of which my licence mentioned above was issued.

4. I also declare that the facts stated herein are true.

Yours faithfully,

Dated the .....19 . Signature of the applicant.

NOTES

1. The attention of the applicant is drawn to section 104 of the Insurance Act, 1938, which provides that whoever in any document required for the purposes of any of the provisions of that Act, wilfully makes a statement false in any material particular, knowing it to be false, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

2. The name and the licence number given in the application should be identical with those shown in the licence held. If there is any subsequent change in the name, the reasons for the same should be stated furnishing documentary evidence for the same.

3. Any correction or alteration made in the application should be initialled by the applicant.

4. The application should reach the Controller of Insurance at least thirty days before the expiry of the licence. If the application does not reach the Controller of Insurance at least 30 days before the date on which the licence ceases to be in force, it will not be entertained. In that case the applicant, if he so desires, may apply for a fresh licence by paying a fee of Rs. 250.

5. A fee of Rs. 200 should be paid into the Reserve Bank of India or where there is no office of the Reserve Bank of India into the State Bank of India acting as the agent of the Reserve Bank of India or into any Government Treasury for credit under the head "XXI—Miscellaneous Departments—fees realised under the Insurance Act, 1938" and the receipt shall be sent along with this application.

6. Payment in CASH OR BY MONEY ORDER, CHEQUE, POSTAL ORDER, POSTAGE OR INSURANCE STAMP OR BANK DRAFT is not accepted and will be returned at applicant's cost.

7. No acknowledgment of this application will be sent. If one is required the application should be sent by registered post (acknowledgment due).

FORM XVIII—BBI

GOVERNMENT OF INDIA

(Office of the Controller of Insurance)

Licence No.....

(See Rule 56)

RENEWAL OF LICENCE TO ACT AS SURVEYOR/LOSS ASSESSOR UNDER PART IIB OF THE INSURANCE ACT 1938

Mr.

Mrs. .....

Miss.

Address .....

.....

.....

§ Working as sole proprietor of

having paid the prescribed fee and having made the necessary declaration, his/her licence No....
.....dated.....to act as a surveyor/loss assessor is hereby renewed upto.....day of.....,19
Simla, dated the..... 19 . Controller of Insurance.
Signature of licence holder.....

§ Strike out if not required

(See Notes on the Reverse)

1. If it is desired to renew the licence for a further period, the procedure laid down in rule 56 of the Insurance Rules, 1939, shall be followed, and an application for renewal should reach the controller of Insurance at least thirty days before the licence expires.

2. The licence authorizes the licence-holder to act as a surveyor/loss assessor for any registered insurer and therefore, no identifying mark or note of any description by which the identity of an insurer might be established should be placed on the licence or on this renewal licence.

3. No correction in this renewal licence will be valid unless initialled by the Controller of Insurance or a person authoised by him in this behalf.".

17. In the said rules, after Schedule I as renumbered, the following Schedule shall be inserted, namely:—

"SCHEDULE II

(*See* Rule 43)

Procedure for the purpose of regulating the Election to the Tariff Advisory Committee.

1. **Nomination of Candidates :**

(i) On the date to be specified by the Controller, the Secretary shall call for nomination of candidates from constituencies of insurers as per rule 41.

(ii) Every nomination of a candidate shall be in the form annexed to this Schedule duly signed by the candidate and by a proposer and a seconder both of whom shall be insurers eligible to vote in the same Constituency for which the candidate is nominated.

(iii) Every such nomination paper shall be sent by registered post to the Secretary so as to reach him before the time and date to be specified by the Controller.

2. **Nomination Papers :**

(i) The Secretary shall scrutinize the nomination papers on the date specified by the Controller.

(ii) Every nomination paper which is not received before the date and time specified by the Controller shall be rejected by the Secretary.

3. **Withdrawal of Candidature :**

(i) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Secretary by the date to be specified by the Controller.

(ii) A person who has withdrawn his candidature shall not be permitted subsequently to cancel his withdrawal.

(iii) Intimation of the withdrawal of every candidate shall be sent by the Secretary to the other candidates standing for election from the same Constituency.

4. **Number of Candidates :**

(i) If the number of candidates nominated by insurers in any constituency does not exceed the number of members to be elected from that constituency the candidates so nominated shall be declared elected and their names shall be notified in the Gazette of India.

(ii) If the number of candidates nominated by insurers in any constituency exceeds the number of members to be elected from that constituency an election shall be conducted in the manner hereinafter provided.

5. **Procedure for Election :**

(i) On the date to be specified by the Controller the Secretary shall send by registered post to the address of every voter in the constituency a voting paper together with necessary instructions as to how to fill in the voting paper and specifying the date and hour by which it shall reach the Secretary.

(ii) Every voting paper shall bear the seal of the Tariff Advisory Committee and shall contain a list of candidates for election from the constituency.

(iii) Every voter shall have one vote only.

(iv) Every voter while giving his vote-

(a) shall place on his voting paper the figure 1 in the square opposite the name of the candidate for whom he votes;

(b) may, in addition, place on his voting paper the figures 2 or 2 and 3, or 2, 3 and 4 and so on, in the squares opposite the names of other candidates in the order of his preference.

6. **Manner of sending Voting Papers:**

Every voter after filling his voting paper in the manner provided in clause 5 shall send such voting paper by registered post to the Secretary so as to reach him not later than the time and date specified by the Controller.

7. **Invalid Votes:**

A vote shall be deemed to be invalid:

(a) if the voter signs his name or writes any word or makes any mark on the voting paper by which the identity of the voter is disclosed;

or

(b) if the vote is recorded on a voting paper which does not bear the seal of the Tariff Advisory Committee;

or

(c) if the figure 1 is not marked on the voting paper in the manner provided in clause 5;

or

(d) if the figure 1 is set opposite the name of more than one candidate;

or

(e) if the figure 1 and some other figures are set opposite the name of the same candidate;

or

(f) if the voting paper is unmarked or if the vote is otherwise void for uncertainty;

or

(g) if the voting paper reaches the Secretary after the time specified in clause 6.

8. **Date of Counting of Votes:**

The counting of votes shall take place at the time and date to be specified by the Controller at the Office of the Tariff Advisory Committee.

9. **Counting of Votes:**

(i) The voting papers shall be examined by the Secretary and after rejecting any invalid voting papers, he shall divide the remaining papers into parcels according to the first preference recorded for each candidate. He shall then count the number of papers in each parcel.

(ii) In carrying out the provisions hereinafter contained, the Secretary shall:

(a) disregard all fractions;

(b) ignore all preferences recorded for candidates already elected or excluded from the poll.

(iii) For the purpose of facilitating the processes specified by the provisions hereinafter contained, each valid paper shall be deemed to be of the value of one hundred.

(iv) The Secretary shall add together the values of the papers in all the parcels and divide the total by a number exceeding by one the number of vacancies to be filled and the result increased by one shall be the number sufficient to secure the return of a candidate (hereinafter called the quota.)

(v) If at any time a number of candidates equal to the number of persons to be elected has obtained the quota, such candidates shall be treated as elected, and no further steps shall be taken.

(vi) (1) Any candidate the value of whose parcel on the first preferences being counted, is equal to or greater than the quota, shall be declared elected.

(2) If the value of the papers in any such parcel is equal to the quota the papers shall be set aside as finally dealt with.

(3) If the value of the papers in any such parcel is greater than the quota, the surplus shall be transferred to the continuing candidates indicated on the voting papers as next in the order of the voters preference, in the manner specified in the following paragraphs.

(vii) (1) If and whenever as the result of any operation specified by these regulations, a candidate has a surplus, that surplus shall be transferred in accordance with the provisions of this sub-clause.

(2) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in order of magnitude; provided that every surplus arising on the first counting of votes shall be dealt with before those arising on the second count, and so on.

(3) Where two or more surpluses are equal, the Secretary shall decide as hereinafter provided, which shall first be dealt with.

(4) (a) If the surplus of any candidate to be transferred arises from original votes only, the Secretary shall examine all the papers in the parcel belonging to the candidate whose surplus is to be transferred, and divide the unexhausted papers into sub-parcels according to the next preference recorded thereon. He shall also make a separate sub-parcel of the exhausted papers.

(b) He shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus he shall transfer all the unexhausted papers at the value at which they were received by the candidate, whose surplus is being transferred.

(d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcel of unexhausted papers and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes the Secretary shall re-examine all the papers in the sub-parcel last transferred to the candidate and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall thereupon deal with the sub-parcels in the same manner as is provided in the case of the sub-parcels referred to in sub-clause (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-parcel of an elected candidate not transferred under this sub-clause shall be set aside as finally dealt with.

(viii) (1) If after all surpluses have been transferred, as hereinbefore directed less than the number of candidates required has been elected, the Secretary shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon. Any exhausted papers shall be set aside as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value of which he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer.

(5) The process directed by this regulation shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until the last vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

(ix) If as the result of a transfer of papers under this clause, the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer then proceeding shall be completed, but no further papers shall be transferred to him.

(x) (1) If after the completion of any transfer under this clause, the value of the votes of any candidate shall be equal to or greater than the quota he shall be declared elected.

(2) If the value of the votes of any such candidate shall be equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally dealt with.

(3) If the value of the votes of any such candidate shall be greater than the quota, his surplus shall thereupon be distributed in the manner hereinbefore provided before the exclusion of any other candidate.

(xi) (1) When the number of the continuing candidates is reduced to the number of vacancies remaining unfilled the continuing candidates shall be declared elected.

(2) When only one vacancy remains unfilled and the value of the votes of one of the continuing candidates exceeds the total value of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(3) When only one vacancy remains unfilled and there are only two continuing candidates, and those two candidates have each the same value of votes and no surplus remains capable of transfer, one candidate shall be declared excluded under the next succeeding sub-clause and the other declared elected.

(xii) If, when there is more than one surplus to distribute two or more surpluses are equal; or if at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are lowest on the poll, regard shall be had to the original votes of each candidate, and the candidate for whom fewest original votes are recorded shall have his surplus first distributed, or shall be first excluded as the case may be. If the values of their original votes are equal, the Secretary shall decide by lot which candidate shall have his surplus distributed or be excluded.

10. **Appointment of Scrutineers:**

The Secretary may appoint two persons who are not candidates for election to act as scrutineers of the voting papers and to assist him generally in counting the votes.

11. **Presence of Candidates or their Representatives at the time of counting of Votes:**

Any candidate standing for election shall be entitled to be present in person or to appoint a representative to be present on his behalf at the time of the counting of votes.

12. **Names to be published in the Official Gazette:**

The Secretary will intimate to the Controller the names of all candidates declared elected. The names of these elected candidates will be notified by the Controller in the Official Gazette.

13. **Disputes:**

Any doubt or dispute regarding the interpretation of the provisions of these regulations or regarding the validity of any election held thereunder shall be referred to the Controller whose decision thereon shall be final.

14. **Savings:**

No election shall be deemed to be invalid merely because of the accidental omission to send, or delay in sending a voting paper to a voter or the accidental non-receipt of, or delay in receiving a voting paper by a voter, or any other accidental irregularity or informality in the conduct of the election.

Explanation.—In this Schedule, "SECRETARY" means the Secretary of the Tariff Advisory Committee."

Form of Nomination of a Candidate for Election to the Tariff Advisory Committee.

I, the undersigned insurer, being qualified to vote in the election of members of the Tariff Advisory Committee by the ..... Constituency do hereby nominate Mr./Mrs./Miss.....as a candidate for the election to be held on the ..... 19 .

1. (i) Signature of proposer.....

(ii) Name and address of the insurer represented.....
.....

(iii) Classes of insurance business for which the insurer is registered.....
.....

2. (i) Signature of Seconder.....

(ii) Name and address of the insurer represented.....
.....

(iii) Classes of insurance business for which the insurer is registered.....

.....

3. I,.....whose name is proposed above, agree to stand for election by that Constituency to be held on the.....
.....19 .

Signature of candidate.....
Address.....

Date..... .....

[No. F.51(6)-INS.I/69.]

A. RAJAGOPALAN,

Officer on Special Duty and ex-officio
Joint Secretary to the Government of India.

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